

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25560 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Bittu Sharma S/o Vinod Sharma R/o Village - Khem Matihaniya, P.S. -
Bishambharpur, District – Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Vishambharpur P.S. Case No. 55 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Section 414 of the Indian Penal Code.

3. As per prosecution case, there has been recovery of total 126 liters of illegal country-made liquor from two plastic sacks loaded on a motorcycle.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner was not apprehended on spot. The name of the petitioner has come into light on the basis of disclosure by local villagers. No incriminating article has been recovered from the



conscious possession of the petitioner. Learned counsel further submitted that petitioner has no concern either with the seized motorcycle or with the wine in question. Charge-sheet has been submitted in this case. The petitioner is in custody since 29.11.2023 and has two criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Vishambharpur P.S. Case No. 55 of 2023.

(Rudra Prakash Mishra, J)

Arish/-

U		T	
---	--	---	--

